



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Robert M. Landis

Examiner: Shumaya B. Ali

Serial No.: 10/618,799

Group: Art Unit 3743

Filed: July 14, 2003

Docket: 991-8

For: DYNAMIC INFANT NASAL CPAP SYSTEM AND METHOD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

April 3, 2006

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Sir/Madam:

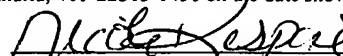
In response to the Notice of Abandonment mailed March 28, 2006, Applicants undersigned Attorney respectfully petitions the Commissioner that the Notice of Abandonment should be withdrawn because the Notice of Allowance and Fee(s) Due were never received.

It is the undersigned Attorney of Records belief that a Notice of Allowance and Fee(s) Due was never received in connection with the above-identified matter.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Dated: April 3, 2006


Nicole Rispono

In accordance with standard inter-office operating procedures, all communications transmitted by the U.S. Patent Office and received by the Attorney of Record are handled by the docketing clerk.

The docketing clerk identifies the communication received from the U.S. Patent Office and enters, into the office docketing system, the dates on which a response to the communication received from the U.S. Patent Office is due, and the actual date on which a response to the communication received from the U.S. Patent Office was transmitted to the U.S. Patent Office.

Following entry of the communication received from the U.S. Patent Office, the docketing clerk gives said communication to the attorney assigned to handle the matter. In the instant matter, the undersigned Attorney has been assigned to handle the matter.

The undersigned Attorney avers that the final communication entered into the docketing system, prior to the receipt of the Notice of Abandonment, was an "OA DUE" (i.e., Office Action Due) having a due date of October 26, 2005. The docketing system also indicates that an action was taken or a response was transmitted to the U.S. Patent Office on October 25, 2005.

The undersigned Attorney also avers that the docketing system includes no entries for any communication received from the U.S. Patent Office relating to a Notice of Allowance and Fee(s) Due.

In support of the above, enclosed herewith is a print-out of the docket record for Client/Matter No. 991-8 relating to U.S. Application Serial No. 10/618,799 (i.e., the above-identified application).

As evidenced by the attached print-out of the docket record, the final entry in the docket record reflects that a Notice of Abandonment was received on March 31, 2006.

Immediately prior to the entry of the Notice of Abandonment, the attached print-out of the docket record identifies that a response to an Office Action was due to be filed on October 26, 2005 and a response was filed on October 25, 2005.

The attached print-out of the docket record does not reflect that a Notice of Allowance and Fee(s) Due was received or a date on which a response to a Notice of Allowance and Fee(s) Due was due.

Accordingly, the absence of an entry of a Notice of Allowance and Fee(s) Due in the docket record leads the Applicants undersigned Attorney to conclude that such a Notice of Allowance and Fee(s) Due was never received and thus that an appropriate response could not have been transmitted to the U.S. Patent Office prior to the abandonment of the above-identified matter.

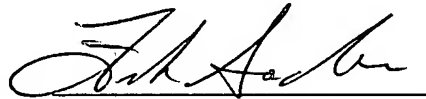
Additionally, Applicants' undersigned Attorney attests to the fact that a thorough search of the file jacket, for the above-identified matter, was conducted and that no Notice of Allowance and Fee(s) Due was present.

Applicants' undersigned attorney avers that Applicant had no intention of abandoning the above-identified matter.

Thus, in view of the foregoing, Applicants undersigned Attorney respectfully petitions the Commissioner to withdraw the Notice of Abandonment and re-issue a Notice of Allowance and Fee(s) Due for the above-identified matter.

An early and favorable response is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'F. Sardone', is written over a horizontal line.

Francesco Sardone
Registration No. 47,918
Attorney for Applicant

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Docket Number: 991-8		* Ext: -		Country: US		Sub Case:	
Client Name: Airways Development LLC				United States of America			
Case Type: ORD	App Client Ref:			Status: Pending			
Agent:				Agent Reference #:			
Owner:				Application Title: DYNAMIC INFANT NASAL CPAP SYSTEM AND METHOD			
Application #: 10/618799	Filing Date: 14-Jul-2003						
Publication #:	Publication Date:						
Patent #:	Issue Date:						
Parent/PCT #:	Parent/PCT Date:						
Parent Patent #:	Parent Issue Date:						
Confirmation #:	Expiration Date:						
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Docket Number: 991-8 * Ext: * Sub Case: Country: US United States of America

Client Name: Airways Development LLC

Display: ☐ Outstanding Actions Only ☒ All Actions

8 Action(s) Due	Due Date	Indicator	Action Taken
FILE UTILITY AND FOREIGN APPLN	15-Oct-2002	Reminder	15-Oct-2002
FILE UTILITY AND FOREIGN APPLN	15-Jan-2003	Reminder	15-Jan-2003
FILE UTILITY AND FOREIGN APPLN	15-Apr-2003	Reminder	15-Apr-2003
FILE UTILITY AND FOREIGN APPLN	15-Jul-2003	Due Date	14-Jul-2003
PRELIMINARY AMENDMENT & IDS DU	14-Oct-2003	Due Date	15-Oct-2003
MISSING PARTS DUE	28-Dec-2003	Due Date	19-Nov-2003
OA DUE-done-need dispatch	26-Oct-2005	Due Date	25-Oct-2005
Notice of Aband Received	31-Mar-2006	Due Date	31-Mar-2006

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